

fore, rather astonishing to have them go ahead and ask the Treasury Department to promulgate new regulations to be effective July first of this year.

Coming to the second question, I would like to refer you to the very fine study of the International Anti-Dumping Code made during the summer of 1967 by the American Mining Congress. A copy was sent to each member of the Ways and Means Committee. I am also very sorry that you had to be absent from the committee room during the hearings in June when a spokesman for the cement industry presented testimony. Cement is a product like cast iron soil pipe which is not readily moved very far from the port of entry. Therefore, imports at less than fair value can so disrupt the market in just one section of this country as to injure the entire industry. This feature has been recognized under the existing anti-dumping law of this country but would not be given such recognition under the definition of injury given in the international code. I hope that you have read the Cement industry's brief carefully. I agree with it whole-heartedly and I see no use in repeating the thought here.

In view of your great interest in this question, I am sure that you must have read the report of the Tariff Commission on Senate Concurrent Resolution 38 regarding the International Anti-Dumping Code. This report was published March 13th. On June 27th, Commissioner Clubb gave further testimony before the Senate Finance Committee at which time he pointed out that in all probability, four of the last five dumping cases brought before the Commission would have been decided differently if the terms of the Code had been used instead of those of the existing law.

Nothing I could say here would give you any more information than the transcript of testimony before the Senate Finance Committee on June 27th and, although you are a member of the House of Representatives, I recommend that you read this.

On June 27th, the Senate Committee also heard testimony from the Counsel for Ambassador Roth and from the General Counsel of the Treasury Department. The former was unable to give a satisfactory explanation of his statement that the Code was consistent with present law. The latter admitted that the Treasury Department had already gone beyond its powers in the consideration of the merits of dumping complaints. The Customs Simplification Act of 1954 had a section which amended the Act of 1921 to make it clear that the Treasury Department through its Bureau of Customs was to make only the "arithmetical" determination that there was importation at less than fair value, and that the Tariff Commission was to decide whether or not there was injury.

In the complaint against Poland for the importation of cast iron soil pipe and fittings, the Commissioner of Customs found that both pipe and fittings were being imported at "less than fair value." Later the Assistant Secretary of the Treasury decided that pipe was being dumped but not fittings. Besides the fact that you cannot have a drainage system without *both* pipe and fittings, what right did the Treasury Department have to certify cast iron soil pipe to the Tariff Commission but not fittings? In my opinion, it was a means of appeasing the Poles without throwing out an obviously valid case. General Counsel Smith told Senator Hartke that he thought the Treasury Department should make some decision after receiving the "threshold facts" and he thought this might save the taxpayer's money in the event the complaint was a minor one.

During the hearings before the Ways and Means Committee in June, I heard you say several times that the Congress only makes the laws and it is up to the Executive to carry them out. You asked several witnesses if they had sought remedies through the executive branch. Most had and had been rebuffed. Is not the case cited in foregoing paragraph an example?

In the twelve years following the Act of 1954 which gave the Tariff Commission the sole right to decide injury, the Treasury Department received 371 dumping complaints, 230 of these were dismissed on the grounds that there was importation at less than fair value. Of the remainder, only 52 were referred to the Tariff Commission for a finding of injury. (Only 12 of those were decided in favor of the complainant.) In the other 89 cases, the Treasury decided that there had been importation at less than fair value but these were dismissed as being *de minimis* or because "price revision" had suddenly take place. This informal arrangement denied the Tariff Commission an opportunity to decide the question of injury or *threat* of injury.

If American industry has obtained so little protection under the existing law, how could it expect any from the new regulations established under the Interna-